

109TH CONGRESS
1ST SESSION

H. R. 425

To establish a grant and fee program through the Environmental Protection Agency to encourage and promote the recycling of used computers and to promote the development of a national infrastructure for the recycling of used computers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. THOMPSON of California (for himself, Ms. DELAURO, Mr. FILNER, Mr. HINCHEY, Mr. McDERMOTT, Ms. MILLENDER-McDONALD, Ms. LEE, Mr. LYNCH, Mr. HONDA, Ms. SLAUGHTER, Ms. MCCOLLUM of Minnesota, Mr. ENGEL, Ms. CARSON, and Mr. INSLEE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a grant and fee program through the Environmental Protection Agency to encourage and promote the recycling of used computers and to promote the development of a national infrastructure for the recycling of used computers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Computer
5 Recycling Act”.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the term “Administrator” means the Ad-
4 ministrator of the Environmental Protection Agency;

5 (2) the term “cathode ray tube” means a vacu-
6 um tube or picture tube used to convert an elec-
7 tronic signal into a visual image;

8 (3) the term “central processing unit” includes
9 a case and all of its contents, such as the primary
10 printed circuit board and its components, additional
11 printed circuit boards, one or more disc drives, a
12 transformer, interior wire, and a power cord;

13 (4) the term “computer” means an electronic,
14 magnetic, optical, electrochemical, or other high
15 speed data processing device performing logical,
16 arithmetic, or storage functions, and may include
17 both a central processing unit and a monitor, but
18 such term does not include an automated typewriter
19 or typesetter, a portable hand held calculator, or
20 other similar device;

21 (5) the term “hazardous waste” has the mean-
22 ing given that term in section 1004(5) of the Solid
23 Waste Disposal Act (42 U.S.C. 6903);

24 (6) the term “monitor” means a separate visual
25 display component of a computer, whether sold sepa-
26 rately or together with a central processing unit, and

1 includes a cathode ray tube or liquid crystal display,
2 its case, interior wires and circuitry, cable to the
3 central processing unit, and power cord; and

4 (7) the term “nonprofit organization” means an
5 organization described in section 501(c)(3) of the
6 Internal Revenue Code of 1986 and exempt from tax
7 under section 501(a) of such Code.

8 **SEC. 3. FEE.**

9 (a) REQUIREMENT.—Effective 180 days after the
10 transmittal to the Congress of the results of the study con-
11 ducted under section 6(a), the Administrator shall require
12 that a fee be assessed on the sale (including a sale through
13 the Internet or a catalogue) to an end-user of any com-
14 puter, monitor, or other electronic device designated by
15 the Administrator under subsection (c). The Adminis-
16 trator shall establish procedures for the collection of such
17 fee. The requirement under this subsection shall not apply
18 to a sale by an end-user to a subsequent end-user.

19 (b) FEE AMOUNT.—The amount of the fee required
20 under subsection (a) shall—

21 (1) be an amount sufficient to cover the costs
22 of carrying out section 4(a) and subsection (c) of
23 this section;

24 (2) be uniform—

1 (A) for each computer with a central proc-
2 essing unit and monitor integrated in a single
3 device;

4 (B) for each central processing unit;

5 (C) for each monitor; and

6 (D) for each class of other devices des-
7 ignated by the Administrator under subsection
8 (c);

9 (3) not exceed \$10 per computer, monitor, or
10 other designated device; and

11 (4) be clearly indicated on the label, external
12 packing materials, or sales receipt of the computer,
13 monitor, or device.

14 (c) ADMINISTRATIVE COSTS.—Persons required by
15 the Administrator to collect a fee under this section may
16 retain 3 percent of amounts so collected to pay the costs
17 of administering the fee collection program.

18 (d) EXEMPTED SALES.—The requirement of a fee
19 under this section shall not apply to a sale of a used com-
20 puter, monitor, or device by a nonprofit organization.

21 (e) ADDITIONAL EXEMPTION.—The Administrator
22 may exempt from the requirement of a fee under this sec-
23 tion any sale made under a contract or an arrangement
24 that the Administrator determines is likely to result in the
25 maximum reuse of significant components of the com-

puter, monitor, or device, and the disposal of the remaining components—

(1) in an environmentally sound and responsible manner;

(2) without violation of any Federal or State law; and

(3) without reliance on funding from State or local governments, when the computer, monitor, or device is no longer of use to the end-user.

(f) DESIGNATION OF ELECTRONIC DEVICES.—The Administrator may designate additional electronic devices to which the fee under subsection (a) shall apply if those electronic devices—

(1) contain a significant amount of material that, when disposed of, would be hazardous waste; and

(2) include one or more liquid crystal displays, cathode ray tubes, or circuit boards.

SEC. 4. GRANTS.

(a) USES OF FEE AMOUNTS.—Amounts collected under section 3 shall be used, to the extent provided in advance in appropriations Acts, by the Administrator for—

1 (1) covering the costs of administration of this
2 Act; and

3 (2) making grants under subsection (b).

4 Not more than 10 percent of the funds available pursuant
5 to this Act for any fiscal year may be used for costs de-
6 scribed in paragraph (1).

7 (b) GRANT PURPOSES.—The Administrator shall
8 make grants with funds collected under section 3 to indi-
9 viduals or organizations (including units of local govern-
10 ment) for—

11 (1) collecting or processing used computers,
12 monitors, or other designated devices for recycling
13 purposes;

14 (2) reusing or reselling such computers, mon-
15 itors, or devices, or components thereof; and

16 (3) extracting and using, or selling for reuse,
17 raw materials from such computers, monitors, or de-
18 vices.

19 (c) ELIGIBILITY.—An individual or organization shall
20 be eligible for a grant under subsection (b) only if the indi-
21 vidual or organization provides assurances to the satisfac-
22 tion of the Administrator that it will carry out the grant
23 purposes in a manner that complies with all applicable
24 Federal and State environmental and health laws.

1 (d) SELECTION CRITERIA.—In selecting proposals for
2 grants under subsection (b), the Administrator shall con-
3 sider—

4 (1) the quantity of used computers, monitors,
5 or other designated devices that will be diverted
6 from landfills;

7 (2) the estimated cost per unit of the collection,
8 processing, reuse, or sale proposed;

9 (3) the availability of, and potential for, mar-
10 kets for recycled materials;

11 (4) the degree to which the proposal mitigates
12 or avoids harmful environmental or health effects;

13 (5) the degree to which the proposal employs
14 innovative recycling technologies; and

15 (6) the demonstrated history of the grant appli-
16 cant in disposing of or providing for the reuse of
17 computers, monitors, or devices in an environ-
18 mentally sound and responsible manner without vio-
19 lation of any Federal or State law.

20 The Administrator shall ensure that grants are provided
21 to a geographically diverse group of recipients.

22 **SEC. 5. CONSULTATION.**

23 In carrying out this Act, the Administrator shall con-
24 sult with representatives of the computer manufacturing,
25 retail, and recycling industries, waste management profes-

1 sionals, environmental and consumer groups, and other
2 appropriate individuals and organizations (including units
3 of local government).

4 **SEC. 6. STUDY AND REPORTS.**

5 (a) STUDY.—Not later than 6 months after the date
6 of the enactment of this Act, the Administrator shall
7 transmit to the Congress the results of a study that—

8 (1) identifies waste materials in used computers
9 that may be hazardous to human health or the envi-
10 ronment;

11 (2) estimates the quantities of such materials
12 that exist or will exist in the future, including a sep-
13 arate estimate of the quantities of such materials
14 that are exported from the United States;

15 (3) estimates the costs of transporting, col-
16 lecting, and processing computers, monitors, and
17 other designated devices;

18 (4) describes current management of such
19 waste materials;

20 (5) makes recommendations for the manage-
21 ment of electronic products containing such waste
22 materials at the end of their useful lives; and

23 (6) estimates the demand for materials from re-
24 cycled computers, and make recommendations for
25 increasing the markets for such materials.

1 (b) REPORTS.—Not later than 1 year after the date
2 of the enactment of this Act, and annually thereafter for
3 4 additional years, the Administrator shall transmit to the
4 Congress a report on the status of computer recycling.
5 Such report shall include a description of the amount of
6 fees collected under section 3, and a description of the
7 amount of administrative costs paid for and grants made
8 under section 4 with funds collected through such fees.

○